

**MINUTES OF REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, April 25, 2013**

1. Call to Order

The President called the April 25, 2013 regular Board meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Richard Damchik, Vice President Jackie Anderson, Secretary Wayne Moe, Treasurer Tom Lynch, and Manager Jon Spence

Absent: None

Others: Doug Thomas (CLFLWD), Lisa Tilman (EOR), Chuck Holtman (Smith Partners), Mark Lobermier (Wyoming), Les Lemm.

2. Setting of Agenda

The President called for the reading and approval of the April 25, 2013 Regular Board meeting agenda. President asked if there were any changes or additions. Administrator Thomas requested the following changes be made to the agenda. Under Old Business renumber 6a to 6c, add a new 6a "Clean Water Partnership Applications – Discussion/Action", and add a new 6b "Continuation of Administrator Duties – Discussion/Action". Thomas also recommend on the advice of counsel that 3b be struck from the agenda as it was not needed. Motion to approve the agenda, as amended, was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

3. Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the March 28, 2012 Regular Board Meeting. Manager Anderson provided language to clarify her statement on page 3, paragraph 2. Attorney Holtman offered that the words "Upon vote the motion passed" in 6c should be deleted. Manager Spence noted a typo on page two, first paragraph where the date should read 2013. Motion to approve the March 28, 2012 Regular Board meeting minutes, as amended, was made by Manager Anderson and seconded by Manager Moe. Discussion. Upon vote the motion passed.

4. Public Open Forum

Manager Damchik opened the floor to anyone in attendance wishing to comment on items that are not already scheduled to be discussed as part of the meeting agenda.

5. New Business

a) 2012 Annual Report Acceptance

Administrator Thomas noted his memo in the Board packet and recommended the Board accept the report and instruct staff to submit it to the required agencies. Manager Anderson commented that the report was

very well done and that the only comment she had was that in the future the pictures of the projects should be larger in the body of the report or possibly included in an appendix so that they are more instructive and easy for people to see what the projects look like.

Motion by Manager Anderson to accept the 2012 Comfort Lake Forest Lake Watershed District Annual Report and 2013 Work Plan and authorizes staff to submit it to the required State Agencies pursuant to M.S. 103B and 103D. Second by Manager Lynch. Discussion. Upon vote the motion passed.

b) 2012 Hydrologic/Hydraulic Update Report

Administrator Thomas noted his memo in the Board packet. He gave a brief introduction and explained that the report is the result of a project that was funded in 2012 to update the District's H&H model with information from permitted projects and to conduct model verification with current flow data. Administrator Thomas then asked Engineer Tilman to review the report and recommendations.

Engineer Tilman went through the report and discussed:

- The purpose and need for integrating district permits into the model.
- The 10 permits that had impacts and/or changes to the system hydraulics such as changing watershed areas or conveyances.
- Discussed the verification process that was conducted along with explaining the charts that are in the report.
- Results of the verification which was that the model is over predicting lake levels in response to storm events.
- Runoff volume was also overestimated in the model as compared to actual monitoring results.
- Presented the recommendations, which were based on the verification work, and that calibration of the model is needed in order to provide accurate predictions of flow and water levels.
- Pointed out the draft work order that was included in the packet and that it was included simply as a planning tool as the Board looks ahead to the 2014 work plan and budget.

Manager Anderson asked about the bigger disparity in Forest Lake outlet numbers versus the volume difference at the outlet of Comfort Lake/watershed. Engineer Tilman responded that it most likely associated with the watershed area and that the watershed to lake ratio for Forest Lake is much smaller than the watershed area to the outlet and that all of the lakes and wetlands in the larger watershed such as those between Bone and Comfort can act like a buffer. Administrator Thomas commented that the importance of calibration is that if we are overestimating the volume coming into a lake, such as Moody Lake, we are likely not accurately predicting the water nutrient load and as such maybe coming to the wrong conclusion about watershed vs. in-lake treatments. Manager Moe asked if the model calculates or accounts for periods when we did not have rain. Tilman responded that the model does use real rainfall data so that when it is run it does account for climate variables.

Question was asked if the Board needed to do anything with regards to the work order. Administrator Thomas explained that no decision is being asked for and that the work order was provided to give the Board an idea of what the cost would be to implement the recommendations in the report and that when you see this come back in the 2014 work plan and budget process it will not be new to you.

c) Sunrise River Retrofits – Rainbow Redevelopment

Administrator Thomas noted his memo in the Board packet. Thomas gave some background on the discussion that took place with the property owner's engineer as part of the early coordination process that takes place with the City of Forest Lake anytime there is a new project or re-development project proposed. That led to discussions regarding the potential to build stormwater treatment enhancements at the time redevelopment occurs. After the owners expressed an interest Engineer Tilman began working with the project engineer to discuss ideas for a potential retrofit project. Administrator Thomas then asked Engineer Tilman to review and discuss her memo that was included in the Board packet.

Engineer Tilman discussed:

- Discussed how the project area/site fits in with the retrofit portion of the Sunrise River Water Quality and Flowage Management project.
- Their review of the preliminary plans for the site and whether or not it would trigger a permit from the District. That review showed that the amount of disturbance will be less than the District's thresholds and as such the only permit that will be required is for erosion and sediment control.
- Based on a permit for stormwater not being needed, discussed the opportunities for District involvement in a project at this site.
- Went over the current site plan and the initial treatment options that the project engineer has identified.
- Discussed the potential phosphorus reduction that could be achieved with retrofits and that it could be in the range of 3.7 lbs/year.
- Went through the recommendations in the memo which are intended to provide guidance to the landowner regarding the District's interest in pursuing a project on this site.

Manager Lynch asked about the parking and if the project would reduce the amount available. Engineer Tilman noted the redesigned layout of parking stalls and that the number of spaces remains approximately the same. Administrator Thomas commented on the potential for phasing of a project since only a portion of the site is being worked on this year. Manager Anderson commented on the greenhouse operation that takes place on the site and if there is something that can be done to address runoff issues associated with it in relationship to a potential project. There was additional discussion on the operation of the temporary greenhouse operation. Manager Anderson asked about the additional prospect for other types of treatments and also asked about retention of other pollutants. Engineer Tilman commented on the research which shows the effectiveness of rain-gardens and bio-filtration basins in removing heavy metals.

Manager Anderson commented on signage and the opportunity to improve on the current signage that we normally use as a way to improve awareness of what the project does with a goal of having others in the community and local businesses seeing opportunities for them to take action.

Administrator Thomas commented that he would like to focus the discussion on the recommendations in the report so that staff can provide the owner/developer with an idea of the Board's level of interest in participating in a potential project. After further discussion of the options for District involvement it was the consensus of the group that we should communicate the District's interest in participating in a project through the existing Urban Stormwater Remediation Program. It was also the consensus that after further discussion with the owner that if a greater level of involvement by the District was needed then it would be brought back to the Board for further discussion.

6. Old Business

a) Clean Water Partnership Applications

Administrator Thomas updated the Board on the status of the two Clean Water Partnership applications that the Board had previously authorized to be submitted to the MPCA. The two applications were the Hilo Lane stormwater retrofit and the North Shore Trail subwatershed assessment. He noted that on Monday April 22nd he had received a call from the MPCA and was informed that the North Shore Trail subwatershed assessment had been selected and fully funded, and that the Hilo Lane stormwater retrofit project had been selected but they are only able to offer partial funding. The partial funding amount being offered is \$41,615 compared to the original request of \$143,025. Based on the lower amount he asked Engineer Tilman to look at the Hilo Lane project to see if there were any design variants which would reduce the cost and still provide a reasonable amount of phosphorus reduction. At that point he asked Engineer Tilman to go over her memo that was handed out at the beginning of the meeting. Engineer Tilman went through the memo which discusses the potential for a similar project at the lower level of state funding yet keeping the District's and City contributions similar to what was in the original proposal. She then described the elements of a scaled back project which would 1) eliminate the planned filtration trenches, 2) reduce the size of the iron/sand filter to just a filtration trench around the existing stormwater pond which would be cleaned out, 3) stabilization of erosion occurring in the drainage channel to the south of the pond, and 4) provide stabilization of the stormsewer outlet into the lake.

Engineer Tilman provided further detail on the revised cost \$135,830 versus \$286,050 for the original design and that it would provide a similar phosphorus reduction as the original design if all of the water can be routed through the iron/sand bench filter. However with the revised design the estimated life of the filter is 7 years as compared to 30 years in the original design. This would require the filter to be replaced 3 to 4 times during a 30 year life cycle at a cost of approximately \$116,000. She also noted that there would need to be monitoring of the site similar to what is being done with the Penshorn project to be able to determine when the iron is used up and at which time the filter would need to be replaced.

After discussion on the costs Administrator Thomas pointed out the three options in the memo and requested direction from the Board. Manager Moe commented that option B seemed to be a reasonable approach. Manager Lynch asked if there was money for the future maintenance if it is needed. Administrator Thomas commented that if we go with option B he would recommend the creation of a facilities maintenance fund to cover the cost of operation and maintenance of this project as well as other district owned facilities. He also noted that there would be the possibility of the City sharing in the future cost of maintenance as well since it is part their storm sewer system. Manager Anderson asked if option C has a replacement cost. Engineer Tilman commented that option C would require replacement of the filter.

Motion by Manager Anderson to go with option C. Motion died for the lack of a second.

Motion by Manager Damchik to go with option B . Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

b) Continuation of Administrator Services

Administrator Thomas noted the continuation of voluntary service letter that was handed out prior to the meeting. The purpose of the letter is to document and have the board authorize the voluntary nature of his time worked during the transition period and authority to act. This arrangement would remain in affect until the new administrator starts.

Motion by Manager Moe to accept the letter of continuation as presented and to authorize its execution by the Board President. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

c) Administrator Hiring Process – Offer Consideration

Managers Anderson and Spence gave an update on where things stood in the negotiation of employment terms with Les Lemm. They handed out and discussed a letter from Mr. Lemm that identified three things that they were apart on. After some additional discussion with Mr. Lemm he voluntarily left the meeting to allow the Managers to discuss the terms of employment that they had been discussing. After a lengthy discussion Manager Moe made the motion to document that the Board had decided to move on in the hiring of a district administrator and that there is no offer of employment on the table with respect to Mr. Lemm. Motion was seconded by Manager Lynch, Discussion. Upon vote the motion passed.

With respect to the next candidate the Board discussed the guidance and level of delegation of authority to give Managers Anderson and Spence to contact Amy Carolan and negotiate an employment agreement. Manager Moe moved to authorize Managers Anderson and Spence to make an offer not to exceed \$85,000, 160 hours of PTO, and \$15,000 for benefits. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed. Attorney Holtman advised that the motion could also authorize Managers Anderson and Spence to sign a contract that is consistent with the terms stated by the board, if the board wished to delegate that authority. Manager Lynch moved to amend the original motion to include authority to sign a contract that is consistent with the guidance. Discussion. Upon vote the motion passed.

7. Report of Staff

Administrator Thomas – Nothing to report.

Emmons and Olivier Resources (EOR) – Nothing new to report.

Smith Partners – Nothing new to report.

8. Report of Treasurer

Approval of Bills

Treasurer Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$42,411.25

Motion was made by Manager Spence to approve the April 25, 2013 Treasurer's Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Discussion. Upon vote, the motion passed.

9. Reports of Officers and Managers

Manager Damchik – Nothing new to report

Manager Lynch – Nothing new to report

Manager Spence – Nothing new to report

Manager Anderson – Nothing new to report

Manager Moe – Nothing new to report

10. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 8:30 pm was made by Manager Lynch and seconded by Manager Moe. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____